

REMARKS

Summary of Office Action

Claims 1, 79-84, 167, 250 and 330-649 were pending in this application.

Claims 250 and 645-649 were allowed.

Claims 1, 79-84, 167, 330-343, 346, 350-362, 364-368, 372-374, 377-397, 400, 401, 405, 407-420, 423, 427-439, 441-444, 449-451, 454-473, 477, 478, 482, 484-505, 509-521, 523-524, 531-533, 536-556, 559, 560, 566-587, 591-605, 607, 612-614, 617-637, 640, 641 and 643 were rejected under 35 U.S.C. § 103(a) as being unpatentable over of Aristides et al., United States Patent No. 5,657,072 (hereinafter "Aristides") in view Lawler et al., United States Patent No. 5,805,763 (hereinafter "Lawler").

Dependent claims 344-345, 370-371, 375-376, 398-399, 421-422, 447-448, 452-453, 475-476, 525, 529-530, 534-535, 557-558, 606, 610-611, 615-616 and 638-639 were rejected under 35 U.S.C. § 103(a) as being unpatentable over of Aristides in view of Lawler in further view of various third references.

Applicants note with appreciation the Examiner's indication of allowable subject matter in claims 347-349, 363, 369, 402-404, 406, 424-426, 440, 445, 446, 479-481, 483, 506-508, 522, 528, 561-563, 565, 588-590, 608, 609, 642 and 644.

Summary of Applicants' Response to the Office Action

Claims 1, 79-84, 167 and 330-570 have been canceled without prejudice. Claims 571, 585, 621 and 646 have been amended. Claims 650-886 have been added. The amended and new claims are fully supported and justified by the originally filed specification.

Applicants' Reply to the Office Action

Applicants note with appreciation the Examiner allowing independent claim 250. Claim 732 has been added to be the corresponding method claim to allowed system claim 250. The Examiner acknowledges that the prior art fails to show or suggest an Internet service system that provides record and playback requests to the remote media server from the user, and records and plays back a program in response to the respective requests, as required in allowed system claim 250 (see Office Action, page 19, lines 20-23). New method claim 732, like allowed system claim 250, recites these patentable features. Applicants' claim 732 is therefore allowable for at least the same reasons that claim 250 is allowable.

Applicants also note with appreciation that the Examiner allowed independent claim 645. Claim 650 has been added to be the corresponding method claim to allowed system claim 645. The Examiner acknowledges that the prior art of record fails to show or suggest an online interactive television program guide implemented on an Internet service system that generates record and retrieval requests in order to record and play back a program on-demand with the remote media server, as required in allowed system claim 645.* (See Office Action, page 19, lines 20-23 and page 20, lines 11-14.) New method claim 650, like allowed system claim 645, recites these patentable features. Therefore,

* Applicants note that in the Examiner's statements of the reasons for allowing both claim 250 and claim 645, the Examiner refers to applicant's feature of "playback requests" as not being shown or suggested in the prior art. While claims 250 and 645 do have similarities, reference to applicants' features of "playback requests" is more appropriate for claim 250. As noted above, applicants believe the Examiner intended to state that claim 645 is allowed at least because the prior art does not show or suggest applicants' feature of a "retrieval request." Applicants submit that these statements sufficiently clarify the record, but invite the Examiner to concur in the Office's next communication.

applicants' new claim 650 is allowable for at least the same reasons that claim 645 is allowable.

Claim 571 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Aristides in view of Lawler. In claim 571, a remote media server is configured to record and play back programs on-demand. As amended, an online interactive television program guide, implemented at least in part on an Internet service system, is configured to: provide a record request to the remote media server in response to the user indicating a desire to record at least one program with the remote media server; and record the at least one program in response to the record request. The online interactive television program guide also provides a directory of program listings for programs recorded by the remote media server in response to the user's indicated desire to access a directory of program listings. The programs recorded by the remote media server were indicated by the user for recording by the remote media server.

As admitted by the Examiner in connection with claims 250 and 645, Aristides and Lawler fail to disclose an Internet service system which provides record requests (see Office Action, page 20, lines 1-4 and 8-10). Moreover, the Examiner admits, in connection with claims 250 and 645, that the prior art does not show or suggest this feature (see Office Action, page 19, lines 20-23 and page 20, lines 11-14). Therefore, the prior art (including Aristides and Lawler) cannot show or suggest this claimed feature as it is now being claimed with amended claim 571. More specifically, the prior art fails to show or suggest an online interactive television program guide, implemented at least in part on an Internet service system, that is configured to provide a record request to the remote media server in response to the user indicating a desire to record

at least one program with the remote media server and record the at least one program in response to the record request, as is required in amended claim 571. For at least this reason, applicants submit that the rejection of claim 571 should be withdrawn.

Claim 810 has been added as a new method claim to correspond with system claim 571. Claim 810 is allowable for at least the same reasons that claim 571 is allowable.

Claims 572-644 are dependent from claim 571 and are allowable at least because claim 571 is allowable. Claims 651-654 are dependent from claim 650 and are allowable at least because claim 650 is allowable. Claims 655-731 are dependent from claim 250 and are allowable at least because claim 250 is allowed. Claims 733-809 are dependent from claim 732 and are allowable at least because claim 732 is allowable. Claims 811-886 are dependent from claim 810 and are allowable at least because claim 810 is allowable.

As set forth above, applicants have amended the claims to include features the Examiner indicated were allowable. As such, applicants submit that the claims are in allowable form, rendering a response to the rejections of the claims prior to amendments and cancellations unnecessary. Nevertheless, applicants reserve the right to contest the rejections of the claims prior to the amendments and cancellations, which include the Official Notices taken by the Examiner. In addition, applicants reserve the right to rewrite the dependent claims indicated by the Examiner to be allowable if rewritten in independent form (i.e., dependent claims 347-349, 363, 369, 402-404, 406, 424-426, 440, 445, 446, 479-481, 483, 506-508, 522, 528, 561-563, 565, 588-590, 608, 609, 642 and 644). Applicants reserve this right in this patent application or in a patent application that claims the benefit of this patent application.

Conclusion

For at least the reasons set forth above, applicants respectfully submit that this application is in condition for allowance. Reconsideration in light of the foregoing remarks and a favorable action are respectfully requested.

Respectfully submitted,



Adam M. Saltzman
Reg. No. 52,188
Agent for Applicants
Fish & Neave IP Group
Ropes & Gray LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax : (212) 596-9090